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12 \*Attorney for Petitioner Charles Smith

13 UNITED STATES DISTRICT COURT  
14 DISTRICT OF NEVADA  
15

16 Charles Smith,

17 Petitioner,

18 v.

19 William Hutchings, *et al.*,

20 Respondents.  
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Case No. 2:20-cv-01781-RFB-VCF

**Unopposed Motion for extension of  
time to file Response to Motion to  
Dismiss**

**(Third Request)**

## POINTS AND AUTHORITIES

On March 10, 2022, Smith filed his Amended Petition. ECF No. 23. On July 7, 2022, Respondents moved to dismiss. ECF No. 29. Smith's original deadline to file a response was August 7, 2022. Smith's prior two requests for an extension of time of were granted. ECF Nos. 31-34. The current deadline is December 6, 2022.

Counsel for Smith requests a third extension of time of 30 days to January 5, 2023, to file the response to the motion to dismiss. Counsel has been actively working on the response. He has gone to visit Mr. Smith and has been working with him on a declaration. Counsel believes the investigation has basically concluded and work on the opposition can now move forward. In addition, Counsel was delayed in completing the necessary work on the opposition due to a death in the family at the beginning of November. Counsel had to take some time off throughout November as a result.

Furthermore, counsel's workload and managerial responsibilities have prevented him from meeting the current deadline. Over the past 60 days, counsel has had to prioritize reviewing a Ninth Circuit brief, a second or successive authorization application, two amended petitions in federal court, and two state court petitions. Further complicating counsel's ability to work on the response are the numerous administrative and managerial responsibilities related to his position as Chief of the Non-Capital Habeas Unit. This has included overseeing the work of three new attorneys who started at the end of August and the beginning of September. Counsel anticipates his various administrative and managerial responsibilities will continue over the next 30 days.


For these reasons, counsel is requesting an additional 30 days to January 5, 2022, to file the response.

On December 5, 2022, counsel for respondents, Deputy Attorney General Sheryl Serreze, indicated by email respondents do not oppose this request.

Dated December 6, 2022

Rene L. Valladares  
Federal Public Defender

IT IS SO ORDERED:

  
**RICHARD E. BOULWARE, II**  
**United States District Court**  
 DATED this 7th day of December, 2022.